



RECEIVED
SUPERVISOR OF ELECTIONS
LEON COUNTY, FLORIDA

2006 MAR -3 P 4: 59

**STATE OF FLORIDA
DEPARTMENT OF STATE**

JEB BUSH
Governor

SUE M. COBB
Secretary of State

March 3, 2006
Certified Mail Return Receipt

The Honorable Ion V. Sancho
Supervisor of Elections for Leon County
315 South Calhoun Street, Suite 100
Tallahassee, FL 32301

Dear Mr. Sancho:

This letter acknowledges the receipt of \$564,421.95 in Title II HAVA funds that were returned to the Department of State in accordance with the terms of "Memorandum of Agreement for Receipt and Use of Voting Systems Assistance Grant" executed on October 16, 2004, for failure to comply with the accessibility requirements of section 301(a) of Title III of the federal Help America Vote Act (HAVA) by January 1, 2006.

This letter also serves as a follow-up request to your February 16, 2006 letter, in which you outline your transition plan, including timeline, for ensuring that Leon County will have an accessible voting system in place and ready for use in the next election for federal office in accordance with state and federal law.

In your letter you stated that you expected to bring contract negotiations for a state certified HAVA compliant voting system to a conclusion within a week and to present the matter to the Leon County Board of County Commission on February 28, 2006. You also stated you would notify the Department as soon as said actions were completed.

We request an update on the progress of the negotiations, the outcome of the board meeting, and all other relevant actions you have taken since February 16, 2006. Your revised plan must include details more specific than those generalized in February 16, 2006 letter. For example, please provide specifics on the contingency back-up arrangement you have with Polk County including how the loaned certified voting system equipment from Polk County will be delivered and set up in conjunction with your system and what software and licensure agreements must be satisfied.

As previously indicated, a failure to have your county's voting system accessible to the disabled if used in any federal election held after January 1, 2006, would be in violation of section 301(a) of Title III of HAVA. Under Title IV of HAVA, the Department of Justice is responsible for enforcement which may include seeking declaratory and injunctive relief. Likewise such a failure to have your county's voting system accessible to the disabled if it is used in any federal

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election held after July 1, 2005, would also be in violation of section 101.56062, Florida Statutes. Please be advised that the Department may also enforce this provision pursuant to authority under section 97.012(14), F.S.

If timely and appropriate actions are not taken to ensure the procurement and delivery of such system by May 1, 2006, the Department may seek legal action accordingly. We believe this May 1, 2006 deadline is necessary to ensure that adequate time exists to train poll workers, educate and familiarize voters with the voting system, and conduct necessary testing on the voting system prior to the primary election on September 5, 2006. This May 1, 2006 deadline in no way supersedes your statutory obligation to ensure that your county have present and ready for use a voting system that meets accessibility standards of state law for any local, county, or federal election scheduled and held in the interim. The Department reserves the right to take earlier action to enforce compliance as circumstances may require.

In conclusion, please submit the information requested and all relevant documentation including a revised timeline, and a completed contract, if available, to Dawn K. Roberts, Director of the Division of Elections, by Friday, March 10, 2006, 5:00 p.m.

Respectfully,

Sam M. Cobb

Secretary of State

Cc: Bill Proctor, Chair, Board of County Commissioners for Leon County
Herbert W.A. Thiele, County Attorney for Leon County
Dawn K. Roberts, Director, Division of Elections

SMC/mim